

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

v

JO ELLEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

DISTRICT COURT

No. 04-251 JJF

JURY TRIAL

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
RE-ARGUMENT OF ORDER COMPELLING ADDITIONAL DEPOSITION
OF JO ELLEN SHELDON



BP scanned

COMES NOW, Plaintiff, Ashley Adams, pro se, hereby moves this Honorable Court to deny Defendant's Motion for Re-argument of the Order permitting Plaintiff to take a second deposition of the Defendant, Jo Ellen Sheldon and, in support thereof, states the following:

BACKGROUND

(1)

This suit arises out of an automobile accident that occurred April 23, 2002, whereby Jo Ellen Chapen Sheldon negligence operation of a motor vehicle causing severe bodily injury to Ashley Adams.

(2)

This suit was filed by attorney's Cooper and Shall who no longer represent Plaintiff, Ashley Adams.

(3)

A Rule 16 Scheduling Order 1. Discovery. (d) Maximum of 5 depositions by Plaintiff....excluding expert depositions.

(4)

On January 26, 2007, Plaintiff, Ashley Adams, sent a written request to Defense Attorney, Beth Christman requesting Deposition of Jo Ellen Sheldon, requesting (4) four available dates in February 2007. [Exhibit A in Plaintiff's Motion – August 07, 2007]¹.

¹ Letter to Defense Attorney, Beth Christman, dated January 26, 2007 requesting deposition dates

(5)

Letter response from Defense Attorney, Beth Christman, denied this request.

(6)

Letter to respond to Defense Attorney, Beth Christman, dated February 08, 2007, 'Request for Deposition dates [February 2007] requesting (4) four dates in February 2007 requesting compliance. [Exhibit B in Plaintiff's Motion – August 07, 2007]².

(7)

A video-conference deposition was done by Charles Cooper, Plaintiff's attorney, on July 6, 2005, which lasted approximately 10 minutes. Charles Cooper, Plaintiff's attorney at that time, reserved the right to another deposition of the Defendant at that time and it was agreed upon.

(8)

Defendant, Jo Ellen Sheldon, had much difficulty testifying to any of the questions asked during this video deposition, whether it was to repeat the questions several times due to audio interference or lack of visual clearness to examine documents questioned. [Exhibit C in Plaintiff's Motion – August 07, 2007]³

² Letter to Defense Attorney, Beth Christman, dated February 08, 2007, requesting deposition dates

³ Sheldon – Direct

(9)

A telephone log [Exhibit D in Plaintiff's Motion – August 07, 2007]⁴ was provided, showing Defendant's telephone activity on the day of the accident. The accident, as recorded on the police report occurred at 8:13AM, Defendant testifies repeated times to have called the police, stating that Plaintiff asked the Defendant to call the police. Defendant, Sheldon, does not call the police, instead, at 8:14AM she calls her work; at 8:15AM she calls her husband. Defense attorney, Beth Christman, writes in a letter [Exhibit E in Plaintiff's Motion – August 07, 2007]⁵, attempting to explain the reason why the 9.1.1 call does not show on the telephone record, because it was a 'toll free' number, no charges applied. Toll free numbers are listed on Sheldon's telephone record, with no charge.

Sheldon, knowing that Plaintiff had asked her to call the police, defiantly ignored her requests, while Plaintiff was in severe pain from her negligence driving that resulted in severe and permanent injuries to Plaintiff.

⁴ Copy of portion Verizon telephone bill – David Sheldon

⁵ Letter dated August 1, 2005 from Defense Attorney, Beth Christman encls. Telephone record

**Response to Defendant's Motion for Re-argument of Order
compelling additional deposition of Defendant**

(10)

Plaintiff files her motion August 07, 2007 to compel deposition of Jo Ellen Sheldon. Defendant did not respond by October 05, 2007, at the time of the Honorable Judge's order.

(11)

Defendant responds that she filed her motion response on October 03, 2007, nearly two (2) months after the initial filing of Plaintiff's motion, clearly beyond the time period allowed for motion responses.

(12)

Defendant has an entire law firm working on her behalf, whereas, Plaintiff is *pro se*.

(13)

Since Plaintiff, *pro se*, no longer represented by legal counsel, Defendant has inundated Plaintiff with motions; the docket sheet will reveal that there are in excess of 100 docketed entries, many which are motions.

(14)

Prior to Plaintiff, *pro se* position, while Plaintiff was represented by an attorney, there was few, if no motions docketed; clearly this represents Defense Attorney, Beth Christman's punitive actions against *pro se* Plaintiff. The docket sheet 'speaks for itself' both in time and number of motions.

(15)

While to the point of June 2007, there was seemingly a reasonable relationship between Plaintiff, *pro se* and Defense Attorney, Beth Christman, knowingly and willfully, files a 'surprise' Motion for Summary Judgment against Plaintiff, even after a conversation just days prior, indicating 'no open issues'.

(16)

Since June 2007, Defense Attorney, Beth Christman and Plaintiff have filed countless motions to the court.

(17)

Defense Counsel is clearly attempting to 'take advantage' of Plaintiff's *pro se* position, as clearly, if this deposition was requested by an 'attorney', Defense Counsel would not object, as there is no basis to object. Defense Attorney makes her position clear as to the '*pro se*' position of the Plaintiff as so stated:

"In addition, as Plaintiff is *pro se*, and has been seeking discovery of information.....Defendant is concerned about the conduct of any additional deposition....."

Defense Counsel, in her writing, seems to be taking a personal view of 'pro se' litigants, and attempting to refuse Plaintiff's prosecution of this case.

(18)

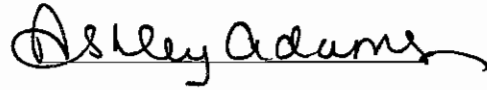
Considering the amount of motions filed by Defense Counsel, the contents of those Motions, the seemingly derogatory opinions reflected in her writing to 'pro se litigants', yields the question of the notions of 'fair play'.

WHEREFORE, the initial deposition of Defendant, Jo Ellen Sheldon, reveals many discrepancies in her testimony, either to contents of the Police Report, telephone calls made prior to the automobile accident, or immediately after, insomuch, the deposition was very limited. Defendant, Jo Ellen Sheldon, had visual and audio difficulty with the video-conference and many questions remained unanswered.

Plaintiff, Ashley Adams respectfully requests that this Honorable Court to deny Defendant's Motion for Re-argument of Order Compelling Additional Deposition of Defendant, and to deny Defendant's Motion for Protective Order precluding the taking of the deposition.

Issue an Order of compliance to Defense Counsel for the letter delivered to Defense Counsel on or about October 9, 2007, for Defendant to supply four (4) dates in November 2007 for Defendant's deposition in order to comply with the Order for the deposition to be completed by December 14, 2007.

Any further delays will cause significant prejudice to Plaintiff's case as the trial is to be scheduled within 120 days.

A handwritten signature in black ink that reads "Ashley Adams". The signature is written in a cursive style with a long horizontal line extending from the end.

Ashley Adams, Pro Se Plaintiff
PO Box 7652
Newark, DE 19714

Date Filed: October 16, 2007

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASHLEY ADAMS	:	
716 N Barrett Lane	:	
Christiana, DE 19702	:	
Mailing address:	:	
PO Box 7652	:	
Newark, DE 19714	:	
	:	DISTRICT COURT
PLAINTIFF	:	
	:	
vs	:	No. 04-251 JJF
	:	
JO ELLEN CHAPEN SHELDON	:	
708 Pebble Beach Drive	:	
Elkton, MD 21921	:	
	:	JURY TRIAL
DEFENDANT	:	

ORDER

IT IS HEREBY ORDERED this ____ day of _____ 2007 that Plaintiff's Motion is **GRANTED** to deny Re-argument of Defendant's motion to Compel Deposition of Jo Ellen Sheldon.

Defendant's Motion for Protective Order to prohibit Plaintiff from conducting a second deposition of Defendant is hereby **DENIED**.

Issue an Order of compliance to Defense Counsel for the letter delivered to Defense Counsel for Defendant to supply four (4) dates in November 2007 for Defendant's deposition in order to comply with the Order for deposition to be completed by December 14, 2007.

United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASHLEY ADAMS	:	
716 N Barrett Lane	:	
Christiana, DE 19702	:	
Mailing address:	:	
PO Box 7652	:	
Newark, DE 19714	:	
	:	DISTRICT COURT
PLAINTIFF	:	
	:	
vs	:	No. 04-251 JJF
	:	
JO ELLEN CHAPEN SHELDON	:	
708 Pebble Beach Drive	:	
Elkton, MD 21921	:	
	:	JURY TRIAL
DEFENDANT	:	

NOTICE OF SERVICE

I hereby give notice that I caused two (2) true and correct copies of the following document to be served upon the following on the date set forth below, via first class mail, postage prepaid, and/or hand-delivered:

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
RE-ARGUMENT OF ORDER COMPELLING ADDITIONAL DEPOSITION
OF JO ELLEN SHELDON** at a time convenient to the Court.

To:
Beth H Christman
CASARINO, CHRISTMAN, & SHALK, P.A.
800 N King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
Attorney for Defendant

By: Ashley Adams
Ashley Adams, Plaintiff, *pro se*
PO Box 7652
Newark, DE 19714

FILING DATE: October 16, 2007

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

v

JO ELLEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

DISTRICT COURT

No. 04-251 JJF

JURY TRIAL

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will present the
attached **PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
RE-ARGUMENT OF ORDER COMPELLING ADDITIONAL DEPOSITION
OF JO ELLEN SHELDON** at a time convenient to the Court.





Ashley Adams, Pro Se Plaintiff
PO Box 7652
Newark, DE 19714

Date Filed: October 16, 2007

Ashley Adams
PO Box 7652
Newark, DE 19714

United States District Co
of Delaware

Office of the Clerk
844 N King Street
Lock box 18
Wilmington, DE 19801-3570

FCM		U.S. POSTAGE \$1.48 FCM LG ENV 10/11 09/17/07 02 1P00 0231989
	USPS® FIRST-CLASS MAIL®	
SHIP TO:		0 lb. 4.80 oz.
WILMINGTON DE 19801 		
ZIP		 (420) 19801